

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims replaces all prior versions, and listings, of claims in the application. Re-examination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

Claim Amendments

In this response, claims 7 and 16 are cancelled and claim 8 and 14 are amended to overcome the indefiniteness pointed out in paragraph 6 of this Office Action.

As to claim 17, the point the Examiner making as to claim construction wherein sufficient structure is deemed recited to achieve the recited function is clear. However, it seems that having made the point that each of the clauses containing the means plus function recitation each have sufficient structure to achieve the specified function all that results is that the claim is established as being clear and definite but not entitled to the application of 35 USC § 112, sixth paragraph. Accordingly the amendments which remove the recitation of "means for" is seen as resolving the situation, rendering it possible to determine equivalents of the recited element(s).

Rejections under 35 USC § 103

- 1) The rejection of claims 1-2, 4, 6-13 and 17 under 34 US § 103(a) as being unpatentable over Vernet et al. in view of Fischer et al. is respectfully traversed.

In this rejection, the disclosure of Fischer et al., which shows the use of serrations, is applied to the teachings of Vernet et al. in a manner which is presumed to render the claimed subject matter obvious. This is completely incorrect.

The manner in which the arrangement disclosed in Vernet et al., operates has been completely misunderstood. Fig. 4 of Vernet et al. (see Appendix) shows the configuration which the sleeve 3 shortens to and assumes in a fastened position. Particular attention is called to the manner in which the originally straight sleeve member has distorted, bulged and engaged the rear face 19 of the wall 1.

As will be appreciated, serrations of the nature disclosed in Fischer et al. are therefore totally unnecessary for the purpose expressed in this Office Action. More specifically, the serrations would not provide enhanced gripping in the manner purported. The sleeve 3, once bulged in the manner depicted in Fig. 4, would nearly impossible to pull out and is clearly anchored in position. Fins 18 are provided to prevent rotation in addition to the sandwiching/clamping action provided by the bulged portion of the sleeve.

- 2) The rejection of claims 14-16 and 18 under 35 USC § 103(a) as being unpatentable over Vernet et al. in view of Fischer et al. and Wieland, is traversed from the same reasons advanced above.

The tubular sleeve of Vernet et al. shortens, bulges and assumes the configuration shown in Fig. 4. The serrations of Fischer et al. would not be used and in fact are not necessary for the purposes purported in this rejection. As to the citation of Wieland, the position that the "Wieland teaches longitudinal slits on an expanding anchor (7,8) which can be considered main and secondary slits", the Applicant must question as to how or why the hypothetical person of ordinary skill is going to come to this conclusion. The rejection is made under § 103 and not § 102. The Examiner is no longer free to make arbitrary decisions as to what can be "considered" main and secondary and it must be shown that the hypothetical person of ordinary skill would come to this conclusion based on the disclosure of the reference. Besides the benefit/need, if any, of having long and short slits on the operation of the Vernet et al. arrangement is serious doubt. Note that at column 4, lines 58-59, it is stated that "depending on the nature of the material of the sleeve, the slots for making it flexible may not be necessary." In other words, if the sleeve of Vernet et al. is sufficiently flexible then the slots can be omitted. The slots being longer or shorter therefore would appear to be suggested by the Vernet et al. disclosure as having little or no effect on the bulging effect of the Vernet et al. arrangement and would for at least this reason, not be considered for use in Vernet et al.

Conclusion

The claims which stand before the Patent Office are allowable over the art for at least the reasons advanced above. Favorable reconsideration and allowance of this application is therefore courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN & BERNER, LLP

Benjamin C. Hauptman
Registration No. 29,310

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111 BJH/KT/kb
(703) 518-5499 Facsimile
Date: December 12, 2006

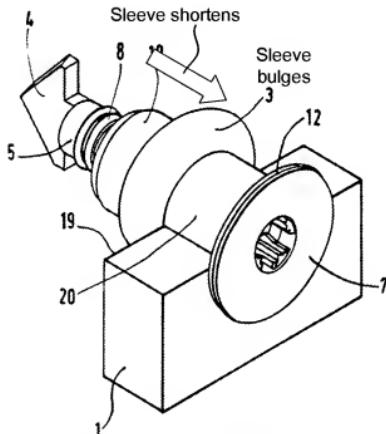
U.S. Patent

Sep. 21, 1993

Sheet 4 of 8

5,246,323APPENDIX

Note how the sleeve 3 has shortened and a portion bulged to produce the illustrated shape. The fastening function is provided by sandwiching the wall 1 between the bulged sleeve portion and the collar 12.

**FIG. 4**

Wall 1 is sandwiched between
bulged sleeve portion and collar 12
– this holds the pin in place and no
serrations are going to help or are
necessary